

Christopher Keller

EXHIBIT A – PART 1

**Labaton
Sucharow**

LABATON SUCHAROW & RUDOFF LLP

INVESTOR PROTECTION LITIGATION

THE FIRM AND ITS ACHIEVEMENTS

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Founded in 1963, Labaton Sucharow & Rudoff LLP (“Labaton Sucharow”) is an internationally respected law firm with offices in New York and Florida and relationships throughout Europe. The Firm consists of more than 60 attorneys and a professional support staff that includes certified public accountants, licensed private investigators, resident securities analysts and 10 paralegals. The Firm prosecutes major complex litigation in the United States, and has successfully conducted a wide array of representative actions (principally class, mass and derivative) in the areas of securities, antitrust, merger/acquisition, limited partnership, ERISA, product liability, and consumer litigation. Labaton Sucharow’s Investor Protection Litigation Group offers comprehensive services for our institutional investor clients and has recovered, through trial and settlement, more than \$3 billion for the benefit of investors who have been victimized by such diverse schemes as stock price manipulation, mismanagement, and fraudulent offerings of securities. Through its efforts, the litigation group has also obtained meaningful corporate governance reforms to minimize the likelihood of repetitive wrongful conduct. Visit our website at www.labaton.com for more information about our dynamic firm.

CORPORATE GOVERNANCE

Labaton Sucharow is committed to corporate governance reform. The Firm is a patron of the John L. Weinberg Center for Corporate Governance of the University of Delaware ("The Center"). The Center provides a forum for business leaders, directors of corporate boards, the legal community, academics, practitioners, graduate and undergraduate students, and others interested in corporate governance issues to meet and exchange ideas. One of Labaton Sucharow's senior partners, Edward Labaton, is a member of the Advisory Committee of The Center. Additionally, Mr. Labaton has for more than 10 years served as a member of the Program Planning Committee for the annual ALI-ABA Corporate Governance Institute, and serves on the Task Force on the Role of Lawyers in Corporate Governance of the New York City Bar Association (formerly known as the Association of the Bar of the City of New York).

On behalf of its institutional and individual investor clients, Labaton Sucharow has achieved some of the largest precedent-setting settlements since the enactment of the Private Securities Litigation Reform Act of 1995 ("PSLRA"), and has helped avert future instances of securities fraud by negotiating substantial corporate governance reforms as conditions of many of its largest settlements.

Because of the depth of their experience and deep commitment to the principles of corporate governance, many Labaton Sucharow partners have served as featured speakers on topics relating to corporate governance and reform at various symposia and lectures.

As a result of Labaton Sucharow's extensive experience and commitment to corporate governance reform, the Firm's clients have secured meaningful reforms, in addition to substantial monetary recoveries, in significant settlements such as:

- ***In re Waste Management, Inc. Securities Litigation***, Civ. No. H-99-2183

(S.D. Tex.): Labaton Sucharow, acting as Lead Counsel for the State of Connecticut

Retirement Plans & Trust Funds, caused the Company to present a binding resolution to declassify its board of directors, which was approved by its shareholders. As a consequence of Labaton Sucharow's efforts, the Company further agreed to amend its Audit Committee charter, which led to its enhanced effectiveness.

- ***In re Vesta Insurance Group Securities Litigation***, Civ. No. CV-98-W-1407-S (N.D. Ala.): Labaton Sucharow, acting as Lead Counsel for the Florida State Board of Administration, caused the Company to adopt provisions requiring that: (i) a majority of its Board members be independent; (ii) at least one independent director be experienced in corporate governance; (iii) the audit, nominating and compensation committees be comprised entirely of independent directors; and (iv) the audit committee comply with the recommendations of the Blue Ribbon Panel on the effectiveness of audit committees.
- ***In re Orbital Sciences Corporation Securities Litigation***, Civ. No. 99-197-A (E.D. Va.): Labaton Sucharow, acting as Lead Counsel for the New York City Pension Funds, negotiated the implementation of measures concerning the Company's quarterly review of its financial results, the composition, role and responsibilities of its Audit and Finance committee, and the adoption of a Board resolution providing guidelines regarding senior executives' exercise and sale of vested stock options.
- ***In re Bristol-Myers Squibb Securities Litigation***, Civ. No. 00-1990 (D.N.J.): Labaton Sucharow, acting as Lead Counsel for the LongView Collective Investment Fund of the Amalgamated Bank, negotiated noteworthy corporate governance reforms. Bristol-Myers Squibb ("BMS") has agreed to publicly disclose the following

information concerning all of its drugs marketed for at least one indication: a description of the clinical study design and methodology; results of the clinical trials; and safety results, including the reporting of adverse events seen during the clinical trials. The disclosures will be posted on BMS's website, www.BMS.com, as well as an industry website, www.clinicalstudyresults.org. BMS has agreed to post these disclosures for a 10-year period following approval of the settlement, and has further agreed that any modifications to the disclosure protocol must be approved by the Court, at the request of Labaton Sucharow as Lead Counsel, unless the modifications increase the scope of the disclosures. The corporate reform measures obtained in this case exceed the scope of reforms obtained by New York State Attorney General Eliot Spitzer in his settlement of an action against GlaxoSmithKline ("GSK") arising from the sale of Paxil, an antidepressant. The Paxil settlement is limited to drugs sold in the United States, whereas as a result of the BMS settlement, the company must post the clinical trial results of drugs marketed in any country throughout the world.

NOTABLE LEAD COUNSEL APPOINTMENTS

Labaton Sucharow's institutional and individual investor clients are regularly appointed by federal courts to serve as lead plaintiffs in prominent securities litigations brought under the PSLRA. Since January 2003, dozens of state, city and county public pension funds and union funds have selected Labaton Sucharow to represent them in federal securities class actions and advise them as securities litigation/investigation counsel. Listed below are a few of our current notable Lead Counsel appointments.

IN RE AMERICAN INTERNATIONAL GROUP, INC. SECURITIES LITIGATION,
No. 04 Civ. 8141 (JES) (S.D.N.Y.)

Representing the State of Ohio as Lead Plaintiff.

IN RE ST. PAUL TRAVELERS SECURITIES LITIGATION II,
Civ. No. 04-CV-4697 (JRT/FLN) (D. Minn.)

Representing the Educational Retirement Board of New Mexico as Lead Plaintiff.

IN RE JDS UNIPHASE CORP. SECURITIES LITIGATION,
Civ. No. C 02-1486 CW (N.D. Cal.)

Representing the Connecticut Retirement Plans and Trust Funds as Lead Plaintiff.

IN RE HEALTHSOUTH CORPORATION SECURITIES LITIGATION,
Consolidated Case No. CV-03-BE-1501-S (N.D. Ala.)

Representing New Mexico State Investment Counsel,
the Educational Retirement Board of New Mexico,
and the State of Michigan Retirement System
as Co-Lead Plaintiffs.

IN RE EL PASO CORPORATION LITIGATION,
Civ. No. H-02-2717 (S.D. Tex.)

Representing a major private investor as Lead Plaintiff.

TRIAL EXPERIENCE

Few securities class action cases go to trial. But when it is in the best interests of its clients and the class, Labaton Sucharow repeatedly has demonstrated its willingness and ability to try these complex securities cases before a jury.

Labaton Sucharow's recognized willingness and ability to bring cases to trial significantly increases the ultimate settlement value for shareholders. For example, in *In re Real Estate Associates Limited Partnership Litigation*, when defendants were unwilling to settle for an amount Labaton Sucharow and its clients viewed as fair, we tried the case with co-counsel for six weeks and obtained a landmark \$184 million jury verdict in November 2002. The jury supported plaintiffs' position that defendants knowingly violated the federal securities laws, and that the general partner had breached

his fiduciary duties to plaintiffs. The \$184 million award was one of the largest jury verdicts returned in any PSLRA action and one in which the plaintiff class, consisting of 18,000 investors, recovered 100% of their damages.

NOTABLE SUCCESSES

Labaton Sucharow has achieved notable successes in major securities litigations on behalf of its clients and certified investor classes.

- Labaton Sucharow served as Lead Counsel to the Connecticut Retirement Plans and Trust Funds in *In re Waste Management, Inc. Securities Litigation*, Civ. No. H-99-2183 (S.D. Tex.). In 2002, Judge Melinda Harmon approved an extraordinary settlement that provided for recovery of \$457 million in cash, plus an array of far-reaching corporate governance measures. At that time, this settlement was the largest common fund settlement of a securities action achieved in any court within the Fifth Circuit and the third-largest achieved in any federal court in the nation. Judge Harmon noted, among other things, that Labaton Sucharow “obtained an outstanding result by virtue of the quality of the work and vigorous representation of the Class.”
- Labaton Sucharow served as Lead Counsel representing the class and Lead Plaintiff, the LongView Collective Investment Fund of the Amalgamated Bank, in *In re Bristol-Myers Squibb Securities Litigation*, Civ. No. 00-1990 (D.N.J.). After prosecuting securities fraud claims against BMS for more than five years, Labaton Sucharow reached an agreement to settle the claims for \$185 million and significant corporate governance reforms. This settlement is the second largest recovery against a pharmaceutical company, and it is the largest recovery ever obtained against a

pharmaceutical company in a securities fraud case involving the development of a new drug. Moreover, the settlement is the largest ever obtained against a pharmaceutical company in a securities fraud case that did not involve a restatement of financial results.

- Labaton Sucharow represented the Florida State Board of Administration as Lead Plaintiff in *In re Vesta Insurance Group, Inc. Securities Litigation*, Civ. No. CV-98-AR-1407 (N.D. Ala.). After years of protracted litigation, Labaton Sucharow secured a settlement of \$78 million on the eve of trial.
- In *Abrams v. VanKampen Funds, Inc.*, 01 C 7538 (N.D. Ill.), in January 2006 Labaton Sucharow obtained final approval of a \$31.5 million settlement in an innovative class action concerning VanKampen's senior loan mutual fund, alleging that the fund overpriced certain senior loan interests where market quotations were readily available. The gross settlement fund constitutes a recovery of about 70% of the class's damages as determined by plaintiffs' counsel.
- Labaton Sucharow represented the named New York City pension funds as Lead Plaintiff in *In re Orbital Sciences Corp. Securities Litigation*, Civ. No. 99-197-A (E.D. Va.). After cross-motions for summary judgment were fully briefed, defendants (and Orbital's auditor in a related proceeding) agreed to a \$23.5 million cash settlement, warrants, and substantial corporate governance measures.
- In *In re CapRock Communications Corp. Securities Litigation*, Civ. No. 3-00-CV-1613-R (N.D. Tex.), Labaton Sucharow represented a prominent Louisiana-based investment adviser in claims alleging violations of the federal securities laws. The case settled for \$11 million in 2003.

- In the well-known *In re Prudential Securities Inc. Limited Partnership Litigation*, Civ. No. M-21-67 (S.D.N.Y.), the late Judge Milton Pollack cited the “Herculean” efforts of Labaton Sucharow and its Co-Lead Counsel and, in approving a \$110 million partial settlement, stated that “this case represents a unique recovery – a recovery that does honor to every one of the lawyers on your side of the case.”
- In *In re PaineWebber Limited Partnerships Litigation*, Master File No. 94 Civ. 832/7 (SHS) (S.D.N.Y.), Judge Sidney H. Stein approved a settlement valued at \$200 million and found “that Class Counsel’s representation of the Class has been of high caliber in conferences, in oral arguments and in work product.”
- In *Rosengarten v. International Telephone & Telegraph Corp.*, Civ. No. 76-1249 (N.D.N.Y.), Judge Morris Lasker noted that the Firm “served the corporation and its stockholders with professional competence as well as admirable intelligence, imagination and tenacity.”
- In *In re Prudential-Bache Energy Income Partnerships Securities Litigation*, MDL No. 888, an action in which Labaton Sucharow served on the Executive Committee of Plaintiffs’ Counsel, Judge Marcel Livaudais, Jr., of the United States District Court for the Eastern District of Louisiana, observed that:

Counsel were all experienced, possessed high professional reputations and were known for their abilities. Their cooperative effort in efficiently bringing this litigation to a successful conclusion is the best indicator of their experience and ability

The Executive Committee is comprised of law firms with national reputations in the prosecution of securities class action and derivative litigation. The biographical summaries submitted by each member of the Executive Committee attest to the accumulated experience and record of success these firms have compiled.

- In *New York City Employees' Retirement System v. Adelphia Communications Corp.*, Civ. No. 02-CV-3778 (E.D. Pa.), Labaton Sucharow is prosecuting two individual securities actions on behalf of certain New York City Pension Funds and on behalf of the New Jersey Division of Investment, each against Adelphia Communications Corp., its directors, officers, underwriters and auditors. To date, the Court has issued several decisions resolving aspects of the motions to dismiss made by defendants. One of those decisions upheld the standing of the New Jersey Division to sue on behalf of the pension and retirement funds of certain New Jersey State agencies. In addition, the New York City Funds and the New Jersey Division have moved for partial summary judgment against three individual defendants, including John and Timothy Rigas, based upon those defendants' convictions in related criminal proceedings.
- In *STI Classic Funds v. Bollinger Industries, Inc.*, No. 96-CV-0823-R (N.D. Tex.), Labaton Sucharow commenced related suits in both state and federal courts in Texas on behalf of STI Classic Funds and STI Classic Sunbelt Equity Fund, affiliates of the SunTrust Bank, the fifth-largest bank in the United States. As a result of Labaton Sucharow's efforts, the class of Bollinger Industries, Inc. investors on whose behalf the bank sued obtained the maximum recovery possible from the individual defendants and a substantial recovery from the underwriter defendants. Notwithstanding a strongly unfavorable trend in the law in the State of Texas, and strong opposition by the remaining accountant firm defendant, Labaton Sucharow has obtained class certification and continues to prosecute the case against that firm.
- In *In re Just for Feet Noteholder Litigation*, Civ. No. CV-00-C-1404-S (N.D. Ala.), Labaton Sucharow, as Lead Counsel, represents Lead Plaintiff Delaware

Management and the Aid Association for Lutherans with respect to claims brought on behalf of noteholders. On October 21, 2005, Chief Judge Clemon of the U.S. District Court for the Northern District of Alabama preliminarily approved Plaintiffs' settlement with Banc of America Securities LLC, the sole remaining defendant in the case, for \$17.75 million. During the course of the litigation, Labaton Sucharow obtained certification for a class of corporate bond purchasers in a ground-breaking decision, *AAL High Yield Bond Fund v. Ruttenberg*, 229 F.R.D. 676 (N.D. Ala. 2005), which is the first decision by a federal court to explicitly hold that the market for high-yield bonds such as those at issue in the action was efficient.

- In *In re Intermune Securities Litigation*, Master File No. 03-2454 SI (N.D. Cal. 2005), Labaton Sucharow commenced an action on behalf of its client, a substantial investor, against Intermune, a biopharmaceutical firm, and certain of its officers, alleging securities fraud in connection with InterMune's sales and marketing of a drug for off-label purposes. Notwithstanding higher pleading and proof standards in the jurisdiction in which the action had been filed, Labaton Sucharow utilized its substantial investigative resources and creative alternative theories of liability to successfully obtain an early, pre-discovery settlement of \$10.4 million. The Court complimented Labaton Sucharow on its ability to obtain a substantial benefit for the Class in such an effective manner.
- In *In re St. Paul Travelers Securities Litigation*, 04-CV-3801 (D. Minn.), Labaton Sucharow was able to successfully negotiate the creation of an all cash settlement fund to compensate investors in the amount of \$67.5 million in November 2005. This settlement represents the third-largest securities class action settlement in the Eighth Circuit and one of the top 100 largest settlements of all time.

Among the institutional investor clients Labaton Sucharow represents and advises are:

Academy Capital Management
Metropolitan Atlanta Rapid Transit Authority
Baltimore County Employees' Retirement System
Boston Retirement Board
California Public Employees' Retirement System
Connecticut Retirement Plans and Trust Funds
Diamond A. Partners, L.P.
Employees' Retirement System of Georgia
Florida State Board of Administration
Genesee County Employees' Retirement System
Greenway Partners, L.P.
Lawndale Capital Management
LongView Collective Investment Fund of the Amalgamated Bank
Maryland State Retirement System
The Commonwealth of Massachusetts
The State of Michigan Retirement System
The State of New Mexico
New Jersey Investment Division
New York City Pension Funds
The State of Ohio
Pirate Capital
RS Holdings LLC
San Francisco Employees' Retirement System
St. Denis J. Villere & Co.
State of Wisconsin Investment Board
Steamship Trade Association of Baltimore, Inc. –
International Longshoremen's Association Pension Fund
SunTrust Bank

COMMENTS ABOUT OUR FIRM BY THE COURTS

Many federal judges have commented favorably on the Firm's expertise and results achieved in securities class action litigation. Judge John E. Sprizzo complimented the Firm's work in *In re Revlon Pension Plan Litigation*, Civ. No. 91-4996 (JES) (S.D.N.Y.). In granting final approval to the settlement, Judge Sprizzo stated that "[t]he recovery is all they could have gotten if they had been successful. I have probably never seen a better result for the class than you have gotten here."

Labaton Sucharow was a member of the Executive Committee of Plaintiffs' Counsel in *In re PaineWebber Limited Partnerships Litigation*, Master File No. 94 Civ. 8547 (SHS). In approving a class-wide settlement valued at \$200 million, Judge Sidney H. Stein of the Southern District of New York stated:

The Court, having had the opportunity to observe first hand the quality of Class Counsel's representation during this litigation, finds that Class Counsel's representation of the Class has been of high caliber in conferences, in oral arguments and in work product.

Judge Lechner, presiding over the \$15 million settlement in *In re Computron Software Inc. Securities Class Action Litigation*, Civ. No. 96-1911 (AJL) (D.N.J.), where Labaton Sucharow served as Co-Lead Counsel, commented that

I think it's a terrific effort in all of the parties involved . . . , and the co-lead firms . . . I think just did a terrific job.

You [co-lead counsel and] Mr. Plasse, just did terrific work in the case, in putting it all together

PRO BONO ACTIVITIES

Our attorneys devote substantial time to pro bono activities. Many of our attorneys participated in the Election Protection Program sponsored in 2004 by the Lawyers Committee for Civil Rights Under the Law to ensure that every voter could vote and every vote would count.

In addition, the Firm's attorneys devote their time to pro bono activities in the fields of the arts, foundations, education, and health and welfare issues.

ATTORNEYS

Among the attorneys at Labaton Sucharow who are involved in the prosecution of securities actions are partners Edward Labaton, Lawrence A. Sucharow, Eric J. Belfi, Joel H. Bernstein, Thomas A. Dubbs, Louis Gottlieb, Lynda J. Grant, Barbara J. Hart, James W. Johnson, Christopher J. Keller, Emily C. Komlossy, Jonathan M. Plasse, Hollis L. Salzman, Ira A. Schochet, Joseph V. Sternberg; of counsel attorneys Lisa Buckser-Schulz, Joseph H. Einstein, David J. Goldsmith, Richard T. Joffe, Anthony J. Harwood; and associates Jon Adams, Peter W. Brueggen, Jeffrey Catanzaro, Conor R. Crowley, Alan I. Ellman, Stacey B. Fishbein, Beth Hoffman, Vicky Ku, Michael S. Marks, Craig A. Martin, Andrei V. Rado, Zachary M. Ratzman, Eric S. Schachter, Michael W. Stocker, Stefanie J. Sundel, Shelley Thompson, Ethan D. Wohl, and Nicole M. Zeiss. A short description of the qualifications and accomplishments of each follows.

EDWARD LABATON, PARTNER

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Edward Labaton is recognized not only as a top securities litigation attorney, but as a leading expert on corporate governance initiatives. He is admitted to practice in the State of New York, the United States District Courts for the Southern and Eastern Districts of New York, the United States Court of Appeals for the Second Circuit, the United States Courts of Appeals for the Fifth, Sixth, Seventh, Ninth, and Tenth Circuits, and the Supreme Court of the United States. Mr. Labaton received his J.D. from Yale Law School in 1955 and has specialized in the areas of securities and corporate litigation since 1957. He has prosecuted numerous securities actions as well as other class and derivative actions, and was lead attorney and chief trial counsel in *Kriendler v. Sambo's* and *Weckstein v. Breitbart* and acted as Lead Counsel on behalf of Labaton Sucharow in the *Financial*

Corporation of America, Petro Lewis, PepsiCo, Jim Walter, American Brands, GAF Co., Revlon, and Dun & Bradstreet law suits.

Mr. Labaton has substantial trial experience in class and derivative actions. He has also acted as trial counsel in other cases in the Southern District of New York, Western District of Oklahoma and in the state courts of New York. Additionally, Mr. Labaton has argued numerous appeals involving important issues in securities law and federal procedure including appeals in the Second, Sixth, Seventh, Ninth, and Tenth Circuits and in the New York State appellate courts.

Since its formation in 1996, he has served as President of the Institute for Law and Economic Policy, a public policy institution dealing with the civil practice legal system. The Institute has sponsored 12 symposia since its formation. In each symposium, the co-sponsoring law school's principal law review has devoted an entire issue to a special Symposium Issue, publishing the papers presented at the symposium. Co-sponsoring law schools have included Columbia Law School, Duke Law School, Vanderbilt Law School, Washington University Law School, and the University of Arizona College of Law.

A member of the American Law Institute since 1986, Mr. Labaton has served as a lecturer in the Federal Civil Practice and Corporate Governance programs for ALI/ABA and PLI programs on the subjects of federal civil practice, securities litigation, class actions, and corporate governance. Among his many associations, he served as a member of the Board of Directors of the New York County Lawyers' Association and was Chairman of its Federal Courts Committee. Mr. Labaton has also chaired the Senior Lawyers Committee of the New York City Bar Association and has served as a member of the Federal Courts Committee, the Committee on Securities Regulation, the Corporation Law Committee, the Committee on International Human Rights, and the Federal Legislation Committee of that Association.

Mr. Labaton is a Director of the Lawyers Committee for Civil Rights Under Law. Since its formation in 1996, he has been an Officer and Member of the Executive Committee of the Ovarian Cancer Research Fund (OCRF), which has become the premier organization funding research in ovarian cancer.

LAWRENCE A. SUCHAROW, MANAGING PARTNER

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Lawrence A. Sucharow, the managing partner at Labaton Sucharow, is admitted to practice in the States of New York and New Jersey, the United States District Courts for the Southern and Eastern Districts of New York, the District of New Jersey, the United States Court of Appeals for the Second Circuit, and the Supreme Court of the United States. Mr. Sucharow received his B.B.A. *cum laude* from the Baruch School of the City College of New York in 1971, and his J.D. *cum laude* from Brooklyn Law School in 1975 and has specialized in complex securities and other class action litigation since that date. In addition to prosecuting actions for which he has principal responsibility, Mr. Sucharow oversees and coordinates the work of the professionals who comprise the Firm's contingent litigation and Securities Investor Protection Litigation departments.

Mr. Sucharow has prosecuted, and is currently prosecuting, numerous class actions in the securities, limited partnership, consumer, and products liability fields both as sole Lead Counsel and as a member or co-chair of executive committees of plaintiffs' counsel. Mr. Sucharow has successfully prosecuted actions, recovering hundreds of millions of dollars, on behalf of shareholders of public companies such as PepsiCo, American Express, Ames Department Stores, Gambro AB, Dun & Bradstreet Corporation, Medco Containment, Time Warner, Xerox, Emersons Ltd., Maxtor Corp., Todd Shipyards, and others; on behalf of bondholders of the New York City Housing Development Corporation; on behalf of purchasers of limited partnership interests from Prudential Securities, New York Life Insurance Company, and PaineWebber, Inc.; and on behalf of manufacturers for antitrust violations. He played a leading role in the prosecution of the *Waste*

Management, Prudential, Paine Webber, Real Estate Associates Limited Partnership, Mylan, Bayer AG, Ram Funding and Berkshire Realty litigations.

Mr. Sucharow was successful trial counsel in the important business law case of *Data Probe v. Datatab* (N.Y. Sup. Ct.), and one of the principal trial counsel in *In re Real Estate Associates Limited Partnership Litigation*, which resulted in a plaintiffs' jury verdict of \$184 million. Some of the settled actions in which Mr. Sucharow has undertaken a lead role include obtaining benefits for class members of \$200 million (*In re PaineWebber Incorporated Limited Partnerships Litigation*, 94 Civ. 8547(SHS) (S.D.N.Y.) – member of six-lawyer executive committee); \$110 million partial settlement (*In re Prudential Securities Incorporated Limited Partnerships Litigation*, MDL No.1005 (S.D.N.Y.) – chairman of eight-lawyer executive committee); \$91 million (*In re Prudential Bache Energy Income Partnerships Securities Litigation*, MDL 888(ML) (D. La.) – member six-lawyer executive committee); more than \$92 million (*Shea v. New York Life Insurance Company*, Civ. 96 0746 (S.D. Fla.) – Co-Lead Counsel); and more than \$70 million (*Sumitomo Copper Consumer Products Litigation*, (Superior Court, San Diego, Cal.) – Co-Lead Counsel). In approving the *Prudential* settlement, Judge Milton Pollack, citing the “Herculean” effort of plaintiffs’ counsel, stated: “*But this case represents a unique recovery – a recovery that does honor to every one of the lawyers on your side of the case.*”

Mr. Sucharow is a member of the Federal Bar Council’s Committee on Second Circuit Courts, the Federal Courts Committee of the New York County Lawyers Association, and the Securities Law Committee of the New Jersey State Bar Association. Mr. Sucharow, who lectures on class actions, complex civil litigation, and related topics in continuing legal education programs, has earned an “AV” rating from Martindale Hubbell Law Directory and was the founding chairman of the Class Action Committee of the Commercial and Federal Litigation Section of the New York State Bar Association from 1988-1994. Mr. Sucharow is the former President of the National

Association of Shareholder and Consumer Attorneys (NASCAT), a membership organization of approximately 80 law firms which practice complex civil litigation, including class actions.

ERIC J. BELFI, PARTNER

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Eric J. Belfi joined Labaton Sucharow's New York office in May 2006 as a partner. Eric is very active in investigating and initiating securities and shareholder class actions. He concentrates his efforts on speaking with international institutional investors to keep them apprised of developing trends in the law and new case theories. Eric is a regular speaker at institutional investor gatherings in Europe.

Eric co-authored *The Proportionate Trading Model: Real Science or Junk Science?*, 52 CLEVELAND ST. L. REV. 391 (2004-05); and *International Strategic Partnerships to Prosecute Securities Class Actions, Investment & Pensions Europe*, May 2006, and was a panelist at "'Class Action' tutela internazionale degli investimenti finanziari" in Vicenza, Italy in July 2005, and "U.S. Securities Class Actions Workshop: Portfolios' Management and Investors' Rights Protection" in Milan, Italy in May 2006.

Prior to joining Labaton Sucharow, Eric was a class action litigation partner at Murray, Frank & Sailer LLP in New York. He also served as Assistant Attorney General for the State of New York and Assistant District Attorney for the County of Westchester. As a prosecutor, Eric investigated and prosecuted numerous white-collar crime cases, including securities violations. In this capacity, he presented hundreds of cases to the grand jury and obtained numerous felony convictions after jury trials. Most notably, Eric successfully convicted two defendants of 31 counts in a four-week jury trial.

Eric is admitted to the bars of the State of New York and the United States District Court for the Southern and Eastern Districts of New York; United States District Court for the Eastern District of Michigan; the United States District Court of Colorado; the United States District Court for the District of Nebraska; and the United States District Court for the Eastern District of

Wisconsin. He graduated from Georgetown University with a B.A. in 1992 and received a J.D. from St. John's University School of Law in 1995. Eric is an associate prosecutor for the Village of New Hyde Park, and is also a member of the Federal Bar Council and the Association of the Bar for the City of New York.

JOEL H. BERNSTEIN, PARTNER

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Joel H. Bernstein is a senior partner managing complex litigation including securities, RICO and antitrust litigations and has attained a rating of "AV" from Martindale-Hubbell.

Mr. Bernstein received his J.D. from Brooklyn Law School and was admitted to practice in New York State in 1976. He is a member of the New York Bar, and is admitted to practice in all courts of the State of New York, as well as the United States District Courts for the Southern and Eastern Districts of New York, and the United States Courts of Appeals for the Second and Third Circuits. Mr. Bernstein has served on the Panel of Arbitrators of the New York Stock Exchange and National Association of Securities Dealers. Mr. Bernstein is also a charter member of the Personal Investors Arbitration Bar Association and has been a lecturer at programs conducted by that organization. Further, he is a member of the New York State Bar Association and New York County Lawyers Association.

Mr. Bernstein has extensive experience managing complex litigation. He served as a member of the Executive Committee and Chair of the Litigation Committee in *In re Prudential Securities Limited Partnerships Litigation*, MDL No. 1005 (S.D.N.Y.), a complex RICO class action in which plaintiffs sued the brokers and sponsors of more than 700 limited partnerships. That case resulted in approval of a final settlement of \$110 million.

After approving a \$22.5 million settlement with additional defendants in the *Prudential* litigation, Judge Pollack specifically commended Mr. Bernstein's efforts in coordinating a litigation committee and stated "[t]he responsibility undertaken by Class Counsel was enormous, and, as the

vigor with which they litigated demonstrates, was carried out by Class Counsel with an understanding of the importance of their efforts to plaintiffs and members of the Class With respect to each item of work the Court observed Class Counsel perform, the Court is of the opinion that the work product was of the highest caliber.” *In re Prudential Securities Incorporated Limited Partnerships Litigation*, MDL 1005 (Order No. 142, December 2, 1997, S.D.N.Y.).

Mr. Bernstein also served on the Executive Committee of *In re PaineWebber Incorporated Limited Partnerships Litigation*, 94 Civ. 8547 (SHS) (S.D.N.Y.), a RICO class action which was recently settled with a \$125 million cash settlement fund plus significant additional non-cash benefits with a total value of \$200 million.

Mr. Bernstein has extensive experience in securities litigation, including class actions and securities arbitrations, representing investors as well as brokers and brokerage firms. He is a co-author of *Class Actions and Multiple Parties*, SECURITIES ARBITRATION 1993, PRODUCTS, PROCEDURES AND CAUSES OF ACTION, Practicing Law Institute 1993 and *Beyond Selling Fraud: Extending the Life of Finite Life Partnerships*, SECURITIES ARBITRATION 1998, REDEFINING PRACTICES AND TECHNIQUES, Practicing Law Institute 1998. He is a co-author of the book STAND UP TO YOUR STOCKBROKER, YOUR RIGHTS AS AN INVESTOR, published by Consumer Reports Books in 1991.

THOMAS A. DUBBS, PARTNER

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Thomas A. Dubbs is a senior partner with Labaton Sucharow in the New York office. Since the passage of the PSLRA, Mr. Dubbs has specialized in representing institutional investors and pension funds in securities fraud and other types of litigation. Mr. Dubbs represented an affiliate of SunTrust Bank, the first major private institutional investor to become a lead plaintiff in a class action under the Act, against an issuer, a major accounting firm, and major underwriters. He frequently lectures to institutional investors and other groups such as the Government Finance Officers Association, the National Conference of Public Employee Retirement Systems, and the

Council of Institutional Investors. Mr. Dubbs served as Lead Counsel for the class and Lead Plaintiff New Mexico (the New Mexico Public Employees Retirement Association, the New Mexico State Investment Council and the New Mexico Educational Retirement Board) in the securities class actions against St. Paul Travelers Companies, Inc. in relation to the merger between The St. Paul Companies and Travelers Property Casualty Corporation. That case recently resulted in a \$67.5 million settlement. In addition, he served as Lead Counsel to the LongView Fund of Amalgamated Bank in *In re Bristol-Myers Squibb*, which resulted in a \$185 million settlement and sweeping corporate governance reforms.

Mr. Dubbs has extensive experience in antitrust litigation, including the representation of a plaintiff in a major antitrust action against an arm of the French Government.

Mr. Dubbs led the team of Labaton Sucharow attorneys who represented the Lead Plaintiff, the Florida State Board of Administrators, in the *Vesta Insurance Group* class action. To date, settlements with the Company and its auditor, KPMG, total more than \$79 million, which is more than 37% of the damages sustained by the Class. Mr. Dubbs currently serves as Lead Counsel in the federal securities fraud class action brought against American International Group, Inc. on behalf of Lead Plaintiff Ohio (comprised of several of Ohio's retirement systems). He also serves as Lead Counsel in the Federal securities fraud class action brought against HealthSouth on behalf of Co-Lead Plaintiffs New Mexico (comprised of several of New Mexico's retirement systems) and the State of Michigan Retirement System.

Prior to joining Labaton Sucharow, Mr. Dubbs served for seven years as Senior Vice President and Senior Litigation Counsel for Kidder, Peabody & Co. Incorporated ("Kidder"). While at Kidder, he represented the company in many class actions, including the *First Executive* and *Orange County* litigations. Before joining Kidder, Mr. Dubbs was head of the litigation department at Hall, McNicol, Hamilton & Clark, where he was the principal partner representing

Thomson McKinnon Securities Inc. in litigation matters including class actions such as the *Petro Lewis* and *Baldwin United* cases.

Mr. Dubbs received his B.A. from the University of Wisconsin and his J.D. from the University of Wisconsin Law School. He also has a Masters in International Relations from the Fletcher School of Law and Diplomacy at Tufts University. Mr. Dubbs is a member of the New York State Bar Association and the New York City Bar Association.

LOUIS GOTTLIEB, PARTNER

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Louis Gottlieb graduated first in his class and *magna cum laude* from St. John's University School of Law in 1990 where he earned his J.D. and was a member of the Law Review. He is admitted to practice in the States of New York and Connecticut as well as the United States District Court for the Southern and Eastern Districts of New York. From 1991 to 1993 he was a law clerk to the Hon. Leonard B. Wexler of the U.S. District Court for the Eastern District of New York. Before joining Labaton Sucharow, he was an associate at Skadden Arps Slate Meagher & Flom, LLP.

Since joining Labaton Sucharow, Mr. Gottlieb has successfully represented institutional and individual investors in numerous securities class action cases, resulting in cumulative settlements well in excess of \$500 million. He also has represented consumers in class action cases against a wide variety of defendants, including the New York Life Annuities Corporation, numerous life insurance companies, and the tobacco industry.

Mr. Gottlieb was an integral part of the litigation team in *In re Waste Management, Inc. Securities Litigation*, Civ. No. H-99-2183 (S.D. Tex.), wherein the Firm represented the Connecticut Retirement Plans and Trust Fund. The litigation resulted in a \$457 million settlement, one of the largest settlements ever achieved in a securities class action. The settlement also included corporate governance reforms, including an agreement by management to support a campaign to obtain shareholder

approval of a resolution to declassify its board of directors, and a resolution to encourage and safeguard whistleblowers among the company's employees.

In the early stages of *In re JDS Uniphase Corporation Securities Litigation*, it was difficult to conduct an investigation of the Company's alleged wrongdoing because former employees were constrained by draconian confidentiality agreements. Mr. Gottlieb successfully argued that those agreements must be severely limited in scope. Subsequently, the Firm was able to obtain statements from more than 50 former JDS employees related to the allegations in the Second Amended Complaint, which the Court sustained.

Mr. Gottlieb successfully led litigation teams in the *Metromedia Fiber Networks* and *PriceSmart* securities fraud class action litigations. He currently is helping to lead a major class action case against AIG and more than a dozen related defendants in *In re American International Group Inc. Securities Litigation*, Civ. 04-8141 (S.D.N.Y.).

Mr. Gottlieb has made presentations on punitive damages at Federal Bar Association meetings and has often spoken to institutional investors on securities class actions.

LYNDA J. GRANT, PARTNER

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Lynda J. Grant specializes in class and derivative actions. Her practice has ranged from actions to enjoin unfair transactions, such as tender offers and leveraged buy outs, to securities fraud cases, involving private equity funds and publicly traded securities. Most recently, Ms. Grant has been involved in ERISA and similar type actions on behalf of defrauded and wronged employees. She has represented small shareholders, sophisticated hedge fund managers, and state and city pension funds. She has been quoted in various publications and periodicals, while her cases have been featured in a number of significant business magazines, including *Private Equity International*, *Forbes*, and *Business Week*.